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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,326	05/10/2001	Robert M. Martin	8138-PA01	7383

7590

05/30/2002

BROWN, MARTIN, HALER & McCLAIN, LLP
1660 UNION STREET
SAN DIEGO, CA 92101

EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 05/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,326

Applicant(s)

MARTIN, ROBERT M.

Examiner

Dang D Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a plurality of electrical contacts equal in number to the number of electromagnets" claimed in claim 3, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 1, line 4, after "2000", insert – now abandoned --..

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews.

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Regarding claim 1, Andrews shows an electromagnetic motor (Figures 1-16), comprising:

- An outer housing (Figure 11) having a central axis and opposite end walls (left and right);
- A shaft (16) rotatably mounted in the housing to extend along the central axis and projecting out through one end wall (left) of the housing;
- A plurality of electromagnets (40, 42, 44) extending parallel to the shaft and mounted at spaced intervals in an annular ring (Figures 2 and 3) centered on the central axis and spaced radially outwardly from the shaft (Figures 1-3);
- An elongate rotor member (12) of ferromagnetic material (iron, column 2, lines 49-52) secured to the shaft and projecting radially outwardly from the shaft in opposite directions (top-bottom, left-right) to extend up to the annular ring of electromagnets, the rotor having opposite ends (30a-30d, 30b-30e, 30c-30f) located adjacent the ring of electromagnets;
- A power supply (346); and
- A switching assembly (268, Figures 4-9) for connecting the power supply to successive pairs of diametrically opposed electromagnets in order to attract the opposite ends of the rotor to successive activated electromagnets in the ring, whereby the rotor and shaft are rotated in a predetermined direction.

Regarding claim 2, it is noted that Andrews also shows a speed control device (Figures 4-8) between the power supply and electromagnets in order to control the speed of rotation of the shaft.

Regarding claim 3, it is noted that Andrews also shows the switch assembly including a plurality of electrical contacts (308) equal in number to the number of electromagnets, the contacts being arranged in the housing in an annular ring centered on the central axis, and a contact wiper (306) rotatably mounted at the central axis so as to successively contact diametrically opposite contacts in the ring, each opposing pair of contacts being electrically connected to a respective opposing pair of electromagnets, and the wiper being connected to the power supply.

Regarding claim 4, it is noted that Andrews also shows the wiper being secured to the shaft (16, Figure 11).

Regarding claim 5, it is noted that Andrews also shows the outer housing having an inner cylindrical wall (Figure 11) and the electromagnets being arranged in said annular ring around the inner wall of the housing.

Regarding claim 6, it is noted that Andrews also shows each electromagnet having a metal core (44) and an outer winding (42), the metal core having one end projecting out of the winding (left, Figure 11), and the opposite ends (30a-30f) of the rotor being positioned to move in a circular path extending adjacent the projecting ends of the electromagnet cores.

Information on How to Contact USPTO

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
May 28, 2002

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